

**ACTION AGENDA**  
Monday, September 23, 2013  
Committee of the Whole  
Regular Meeting

**COMMITTEE OF THE WHOLE AGENDA**

**1. CALL TO ORDER, 5:00 P.M.**

Councilmember Dolma has requested excusal.

**2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

**3. CONSENT AGENDA**

**4. REGULAR MEETING AGENDA**

**5. COMMENTS OF THE AUDIENCE**

There was one who commented

**6. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Mayor Wythe adjourned the meeting at 5:41 p.m.

**REGULAR MEETING AGENDA**

**Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Councilmember Dolma has requested excusal.

APPROVED without discussion.

Department Heads may be called upon from time to time to participate via teleconference.

**2. AGENDA APPROVAL**(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The following changes were made:

**Consent Agenda** Written Public Comment for Resolution 13-096 Requesting the Kenai Peninsula Borough Assembly Amend the Agreement between the Borough and the City

Regarding the Transfer of Ownership of the Old Middle School Property to Permit the City to Sell the Property and Use the Proceed for Public Purpose if the Council Deems it to be in the Public Interest; **Commission Reports** Memorandum 13-136 from Parks and Recreation Advisory Commission Re: HERC Site; **Public Hearings** Memorandum 13-134 from City Planner, Backup to Ordinance 13-37 An Ordinance of the City Council of Homer Alaska Amending the Definition of Discontinued in Homer City Code 21.61.015, Definitions, to Exclude from the Time for Which a Nonconforming Use May Cease the Time From the Death of its Operator Until the Use is Legally Available to Transfer to a Successor Operator; **City Manager's Report** Kodiak Island Borough Resolution Regarding Tustumena Replacement Fund; and **Pending Business** Memorandum 13-135 From Parks and Recreation Advisory Commission for Resolution 13-040 Directing City Administration to Terminate All Survey , Design, and Cost Estimating Work on the Kachemak Drive Pathway.

The agenda as amended was approved by consensus of the Council.

### **3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were three who commented.

### **4. RECONSIDERATION**

### **5. CONSENT AGENDA**

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of September 9, 2013. City Clerk. Recommend adoption.
- B. **Resolution 13-092**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission Bylaws, Regular Meetings, Establishing a Meeting Time Limit of 8:00 p.m. City Clerk/Parks and Recreation Advisory Commission. Recommend adoption.

Memorandum 13-132 from Parks and Recreation Advisory Commission as backup.

- C. **Resolution 13-093**, A Resolution of the Homer City Council Amending the Procurement Policy and Procedures Manual to Increase Limits for Purchase Orders. City Manager/Finance Director. Recommend adoption.
- D. **Resolution 13-094**, A Resolution of the Homer City Council Recognizing and Thanking the Alaska State Fire Chiefs Association for Submitting the Statewide Grant to Upgrade Firefighting Equipment for the Homer Volunteer Fire Department. City Manager/Fire Chief. Recommend adoption.

- E. **Resolution 13-095**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Keep the Homer Education and Recreation Complex (HERC) Gym Open for Pickleball and Other Community Recreation Programs that Require Only Minimal Heat and Utilities, Until Such Time as the Building is Demolished. Lewis. Recommend adoption.
- F. **Resolution 13-096**, A Resolution of the City Council of Homer, Alaska, Requesting that the Kenai Peninsula Borough Assembly Amend the Agreement Between the Borough and the City Regarding the Transfer of Ownership of the Old Middle School Property to Permit the City to Sell the Property and Use the Proceeds for a Public Purpose if the Council Deems it to Be in the Public Interest to Do So. Howard. Recommend adoption.

Memorandum from City Attorney as backup.

Item F. Resolution 13-096 was moved to Resolutions

The consent agenda as amended was approved by consensus of the Council.

## **6. VISITORS**

- A. **Beth Cumming**, Kachemak Drive Non-Motorized Path Group, 10 minutes.

Beth Cumming, Lynne Burt, and Kevin Walker advised council that they have formed a nonprofit group, Homer Area Trails or HAT. They updated the council on their progress relating to the Kachemak Drive Pathway and they encouraged council to vote down Resolution 13-040.

## **7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. Borough Report
- B. Commissions/Board Reports:
  - 1. Library Advisory Board
  - 2. Homer Advisory Planning Commission
  - 3. Economic Development Advisory Commission

Mike Barth, Economic Development Advisory Commissioner, provided an update on the commission's activities.

- 4. Parks and Recreation Advisory Commission

Robert Archibald, Parks and Recreation Advisory Commissioner, provided an update on the commission's activities.

5. Port and Harbor Advisory Commission

**8. PUBLIC HEARING(S)**

- A. **Ordinance 13-37**, An Ordinance of the City Council of Homer, Alaska, Amending the Definition of “Discontinued” in Homer City Code 21.61.015, Definitions, to Exclude From the Time for Which a Nonconforming Use May Cease the Time From the Death of Its Operator Until the Use is Legally Available for Transfer to a Successor Operator. Mayor/City Manager. Introduction August 26, 2013, Referred to Planning Commission for Their September 18, 2013 Meeting, Public Hearing and Second Reading September 23, 2013.

Memorandum 13-126 from City Manager as backup.

There was no public comment.

FAILED without discussion.

- B. **Ordinance 13-38**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council. Introduction September 9, 2013, Public Hearing and Second Reading September 23, 2013.

**Ordinance 13-38(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council.

Memorandum 13-129 from City Manager as backup.

There were three who testified.

ADOPTED SUBSTITUTE ORDINANCE with discussion.

**9. ORDINANCE(S)**

**10. CITY MANAGER’S REPORT**

- A. City Manager’s Report

City Manager Wrede commented about the Kodiak Island Borough Resolution regarding the Tustumena included in the supplemental packet and advised that a resolution to the Council is forthcoming. He reminded the public that the new public restrooms are being built with cruise ship head tax funds and City staff is working to address the maintenance aspect. He advised the Council of Buccaneer’s interest in wintering the drill rig Endeavor at the harbor.

Lastly he reported that the City was successful getting a Land and Water Conservation Fund grant for more work at Hornaday Park.

Mayor Wythe commented in support of the contract with Buccaneer, Homer has an active port and we are open for business.

Councilmember Howard asked about the status of the Economic Benefit Report from the drill rig, and was advised that the report is still pending from Northern Economics because they are waiting for information from Buccaneer.

Councilmember Lewis asked about year round access to the new public bathrooms. City Manager Wrede said they are still working to make that decision.

Councilmember Zak expressed his hope that if the rig comes back some of the monies will go to the Homer Foundation as they did last time.

Councilmember Burgess reiterated the need to get the ball moving on annexing what part of the harbor area waters the City will want for future use and expansion.

Councilmember Roberts agreed with City Manager Wrede's suggestion of a building committee for the public safety building, as this process has worked well in the past. She also found the information about funding from FEMA for new emergency operation centers and states interest in helping with the jail.

B. Bid Report

## **11. CITY ATTORNEY REPORT**

## **12. COMMITTEE REPORT**

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report
- G. Port and Harbor Building Task Force

Councilmember Howard reported the next meeting of the task force is October 21<sup>st</sup>. At their last meeting they identified user groups, and scheduled public hearings so people can get involved, learn, and offer input.

### **13. PENDING BUSINESS**

- A. **Resolution 13-040**, A Resolution of the Homer City Council Directing the City Administration to Terminate All Survey, Design, and Cost Estimating Work on the Kachemak Drive Pathway. Mayor. (Postponed from April 22, 2013.)

Memorandum 13-059 from Parks and Recreation Advisory Commission as backup.

FAILED with discussion.

### **14. NEW BUSINESS**

### **15. RESOLUTIONS**

- A. **Resolution 13-096**, A Resolution of the City Council of Homer, Alaska, Requesting that the Kenai Peninsula Borough Assembly Amend the Agreement Between the Borough and the City Regarding the Transfer of Ownership of the Old Middle School Property to Permit the City to Sell the Property and Use the Proceeds for a Public Purpose if the Council Deems it to Be in the Public Interest to Do So. Howard. Recommend adoption.

ADOPTED with discussion.

### **16. COMMENTS OF THE AUDIENCE**

There were 7 who commented.

### **17. COMMENTS OF THE CITY ATTORNEY**

### **18. COMMENTS OF THE CITY CLERK**

Deputy City Clerk Jacobsen reminded listeners that election day is October 1<sup>st</sup>, and absentee/early voting is available at the City Clerk's office for anyone who can't get to their polling place on October 1<sup>st</sup>.

### **19. COMMENTS OF THE CITY MANAGER**

City Manager Wrede clarified that it is not the intent to store the rig Endeavor at the Deep Water Dock, it is his understanding that the purpose is to perform maintenance starting November 1<sup>st</sup>.

### **20. COMMENTS OF THE MAYOR**

Mayor Wythe thanked the candidates for attending and participating at the meetings this month, it shows sincere intent to learn what's going on. She wished them good luck at the polls. With regard to earlier comments about priorities, Mayor Wythe explained that the

responsibility of a first class city first comes to safety and roads. The council has to meet those obligations before considering things like contributing funds for parks and recreation. This is an ongoing battle every year for the City of Homer. It becomes harder as our funds become more restricted. She has said this several times in the last couple years, the Council has reduced the budget for the City of Homer over \$3 million over the last eight and a half years, a huge reduction. In addition to that we are the only city on the peninsula that honored the vote of the citizens to fully suspend the sales tax on food in the winter. Every other first class city on the peninsula suspended the borough portion but still collects their city tax. That was a substantial financial reduction to the city. When you reduce your city income by almost \$1 million of tax revenue, those are funds that could be had for keeping the library open more, providing parks and recreation facilities, much less a department for parks and rec. Those are all things we need to take into consideration as citizens when we vote on how we want our tax dollars to be reduced. No one, herself included, is interested in paying taxes, but she is interested in providing the money required by the community to provide those services that are important to her. That is what people lose when they think about not paying sales tax. Property tax will keep the basic services funded, and that's about it. Regarding the jack up rigs coming to Homer, for her, there is much more than money in the coffers of the community. She sees it when she drives down the hill and for her the conversation about the jack up rig being at a working harbor port in our community, if you can tell there is a jack up rig at the harbor, you aren't looking at the view anyway. She thanked everyone for coming out and looks forward to the upcoming elections. Everyone come out and vote.

## **21. COMMENTS OF THE CITY COUNCIL**

Councilmember Roberts commented about the Kachemak Drive Path, she didn't vote for the resolution, that doesn't mean she doesn't support the path, she just didn't think it was the right vehicle to proceed. She thinks they indicated they support it, it seems like there are more issues coming up. She is glad to see the people come and talk about recreation; she thinks it's an important part of the community. She also knows from looking at plenty of city budgets that the recreation doesn't pay for itself right now. For people asking for more recreation, citizens must be willing to start adding back the sales tax to the budget. We can't afford to do these things in recreation right now and she would like to think the public would start telling them that they want to spend some money toward recreation. She thinks adding sales tax back in the equation for food tax is a way that non city residents can contribute to the program. Lastly, good luck to everyone in the upcoming election.

Councilmember Zak thanked Ms. Cummings for coming here tonight and he doesn't think there is anything wrong with slow thinking, the fact that we are thinking is what matters. Over time there may be added pieces and facts that come out. He congratulated the Homer Area Trails nonprofit group. That's huge. He acknowledged Chance Rockett for coming out and taking notes. He said they are saving a little bit with paper reduction and using the tools. The citizens who come out and realize their voice is being heard is wonderful. When we have discussions tonight about budget considerations and if the Homer Foundation will see funds from the jack up rig, we are thinking about it and listening. Finally he likes pickles so he will have to come out and play pickle ball. He prefers the dill pickles.

Councilmember Burgess said he appreciated Mr. Rocketts comments, they were thoughtful and measured. He thinks the larger discussion about community recreation needs to be how do we establish a funding mechanism to support the program and a facility. There are a lot of people in the community who support recreation, he is one and a lot who sit at the table are. They don't want to tie their horse to a building that would be costly to remodel. We all need to expand our vision and think out of the box and long term about what the community really needs. Right now isn't that any one wants to get rid of recreation, it's that they have a real possibility of meeting one of the city's core long term needs in a public safety building. Police and fire are at the core of what a city needs to provide. They have the opportunity to seek funds for a facility that can meet the community's needs for the next thirty plus years. We need to weigh those priorities and go after that money. If there is really the community will to have a larger discussion about recreation, let's talk about the funding mechanism. Let's talk about a borough wide service area to support the users outside the City. If we are really dedicated, let's talk about sales tax. Let's see what a budget for that is, see what we can build and support in a building and program. Instead of saying City Council want to take away our last vestiges of community recreation, we need to say how can we make it possible to have a long term plan, long term goal, and effective solution to the problem. He appreciates the rec groups who have started to figure this out and been talking to them about how to develop a long term strategy and vision to do that. He thinks this council will support them in doing that.

Councilmember Lewis said everyone should get out and vote. When he first got elected and the sales tax was on the ballot they had 28% voter turnout. 18% voted in favor of getting rid of the sales tax. An 18% majority of 28% made that decision. If you don't vote, then you won't things done. We need to have a good turnout; he would love to see 50 for 60 % of the registered voters voted. We aren't going to get anything done; we won't get recreation or a lot of things if people don't vote.

Councilmember Howard put forth a challenge to the community, that between now and July 2014, some sort of package is put together to say to the voters on the October 2014 ballot, do you want a recreation department and if so are you willing to tax yourself for it and in the meantime, have a needs assessment done. We don't really know what the need is. We aren't the bad guys, we just need to know what you want and how do you want to pay for it. Let's get something on target to make this happen so this time next year we will have something to vote yes on.

## **22. ADJOURNMENT**

Next Regular Meeting is Monday, October 14, 2013 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for October 21, 2013 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.